

FIRST REGULAR SESSION

SENATE BILL NO. 286

95TH GENERAL ASSEMBLY

INTRODUCED BY SENATOR SCHAEFER.

Read 1st time February 2, 2009, and ordered printed.

TERRY L. SPIELER, Secretary.

1336S.02I

AN ACT

To repeal section 67.402, RSMo, and to enact in lieu thereof one new section relating to nuisance abatement ordinances.

Be it enacted by the General Assembly of the State of Missouri, as follows:

Section A. Section 67.402, RSMo, is repealed and one new section enacted

2 in lieu thereof, to be known as section 67.402, to read as follows:

67.402. 1. The governing body of any county of the first classification with
2 more than one hundred thirty-five thousand four hundred but less than one
3 hundred thirty-five thousand five hundred inhabitants, any county of the first
4 classification with more than seventy-one thousand three hundred but less than
5 seventy-one thousand four hundred inhabitants, and any county of the first
6 classification without a charter form of government and with more than one
7 hundred ninety-eight thousand but less than one hundred ninety-nine thousand
8 two hundred inhabitants may enact ordinances to provide for the abatement of
9 a condition of any lot or land that has the presence of rubbish and trash, lumber,
10 bricks, tin, steel, parts of derelict motorcycles, derelict cars, derelict trucks,
11 derelict construction equipment, derelict appliances, broken furniture, **tires,**
12 **storm water runoff conditions resulting in damage to buildings or**
13 **infrastructure,** or overgrown or noxious weeds in residential subdivisions or
14 districts which may endanger public safety or which is unhealthy or unsafe and
15 declared to be a public nuisance.

16 2. Any ordinance enacted pursuant to this section shall:

17 (1) Set forth those conditions which constitute a nuisance and which are
18 detrimental to the health, safety, or welfare of the residents of the county;

19 (2) Provide for duties of inspectors with regard to those conditions which
20 may be declared a nuisance, and shall provide for duties of the building

21 commissioner or designated officer or officers to supervise all inspectors and to
22 hold hearings regarding such property;

23 (3) Provide for service of adequate notice of the declaration of nuisance,
24 which notice shall specify that the nuisance is to be abated, listing a reasonable
25 time for commencement, and may provide that such notice be served either by
26 personal service or by certified mail, return receipt requested, but if service
27 cannot be had by either of these modes of service, then service may be had by
28 publication. The ordinances shall further provide that the owner, occupant,
29 lessee, mortgagee, agent, and all other persons having an interest in the property
30 as shown by the land records of the recorder of deeds of the county wherein the
31 property is located shall be made parties;

32 (4) Provide that upon failure to commence work of abating the nuisance
33 within the time specified or upon failure to proceed continuously with the work
34 without unnecessary delay, the building commissioner or designated officer or
35 officers shall call and have a full and adequate hearing upon the matter before
36 the county commission, giving the affected parties at least ten days' written
37 notice of the hearing. Any party may be represented by counsel, and all parties
38 shall have an opportunity to be heard. After the hearings, if evidence supports
39 a finding that the property is a nuisance or detrimental to the health, safety, or
40 welfare of the residents of the county, the county commission shall issue an order
41 making specific findings of fact, based upon competent and substantial evidence,
42 which shows the property to be a nuisance and detrimental to the health, safety,
43 or welfare of the residents of the county and ordering the nuisance abated. If the
44 evidence does not support a finding that the property is a nuisance or detrimental
45 to the health, safety, or welfare of the residents of the county, no order shall be
46 issued.

47 3. Any ordinance authorized by this section may provide that if the owner
48 fails to begin abating the nuisance within a specific time which shall not be
49 longer than seven days of receiving notice that the nuisance has been ordered
50 removed, the building commissioner or designated officer shall cause the
51 condition which constitutes the nuisance to be removed. If the building
52 commissioner or designated officer causes such condition to be removed or abated,
53 the cost of such removal shall be certified to the county clerk or officer in charge
54 of finance who shall cause the certified cost to be included in a special tax bill or
55 added to the annual real estate tax bill, at the county collector's option, for the
56 property and the certified cost shall be collected by the county collector in the

57 same manner and procedure for collecting real estate taxes. If the certified cost
58 is not paid, the tax bill shall be considered delinquent, and the collection of the
59 delinquent bill shall be governed by the laws governing delinquent and back
60 taxes. The tax bill from the date of its issuance shall be deemed a personal debt
61 against the owner and shall also be a lien on the property until paid.

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